

AMENDMENT TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES

This Amendment is entered into this 18th day of May 2004, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Harris and Associates (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional mapping, survey, and utility engineering services for Weller, Winsor, and Main Street as part of the Milpitas Library Off-site Utility Improvements, Project No. 8153, on October 28, 2003; and

WHEREAS, the parties amended the Agreement to allow CONSULTANT to provide professional engineering services for the creation of the official Plan Lines for Winsor and Weller Avenues, preparation of right of way vacation documents, and preparation of final plans, specifications, and estimates for Winsor Avenue street improvements on March 2, 2004; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide professional engineering services for the creation of a drainage study for the library, garage structure, and development of the City parcels west of Main Street, and to include a portion of Carlo Street between Winsor and Main Street in the official Plan Lines for Winsor and Weller Avenues, and for preparation of a design of for the relocation of existing City Utilities in Main Street between Weller and Carlo Streets as needed for the library project.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on **January 1, 2007**.

2. Section 1, entitled "Services" is amended by adding Exhibits "A-4", which are attached hereto and incorporated by reference herein.
3. Section 2, entitled " Compensation " is amended to add Exhibit "B-4", which are attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibits "A-4" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibits "B-4" shall not exceed **\$43,000.00**.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **October 28, 2003**, between **Harris and Associates** and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

Exhibit A-4

May 12, 2004

Mr. Steve Erickson
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

**Re: Cost Proposal for Additional Services, Relocation of Existing Utilities and
Plan line Revisions**

Dear Steve:

Attached is a revised proposal to perform additional engineering services for the new Library site. I have revised our proposal per our phone conversation Monday to include revising the Plan lines for Winsor Avenue and Weller Lane, preparing plan and profile sheets for the relocation of the existing wet utility lines (sewer, water, and storm) in North Main Street, and to prepare a Drainage Study for the new storm drain pipe system in North Main and Carlo Streets and the new Library site. The Drainage Study will address the grading and improvements required for the library site to accommodate existing FEMA conditions and overland releases.

Our Fee for performing these additional services will be \$42,300 as described and shown on the attached Exhibit "B" all other Terms and Conditions of our original agreement dated October 28, 2003 with the Redevelopment Agency will remain the same.

Should you have any questions regarding the above please contact me at (408) 842-5777, or by e-mail: mcooper@harris-assoc.com. Thank you for the opportunity to be of service.

Sincerely,

Harris & Associates

Michael K. Cooper, PE
Vice President

Additional Scope for Milpitas Library May 12, 2004

1. Plan Lines

- a. Windsor Avenue
 - i. Revise cul de sac bulb geometrics..
 - ii. Prepare additional plan for Windsor showing Interim landscape strip.
- b. Carlo Street
 - i. Revise south side of Carlo Street to reflect improvements proposed by the Buddhist Temple project.
 - ii. Revise north side of Carlo to accommodate a 10' wide sidewalk.
 - iii. Revise curb returns at Carlo Street and North Main Street to incorporate changes in plan line for North Main Street as developed by Nolte and Associates.
- c. Weller Lane
 - i. Incorporate changes in Weller Lane based on the revised APTON Development Company plans.
 - ii. Revise Weller Lane at North Main Street to reflect updates in geometry from the Nolte plan line for North Main Street.

2. Utility Relocations

- a. North Main Street
 - i. Relocate all existing wet utility lines (sewer, water, and storm drain) to new locations in the future pavement areas of North Main Street between Weller Lane and Carlo Street. Extend relocations to create reasonable transitions beyond the intersections.
 - ii. Show removal of existing concrete slabs under North Main Street based on information to be provided by City and Parikh & Associates
 - iii. Add new utility services for the future use by properties on the west side of North Main Street. Recommend sizes based on information for new developments to be provided by the City.
 - iv. Provide Geotechnical Investigations in existing North Main Street to determine soils parameters for trench design.

3. Drainage Study

- a. North Main Street
 - i. Prepare hydraulic analysis for relocated storm drain pipes in North Main Street to confirm sizes based on new development.
 - ii. Prepare hydraulic analysis of proposed library site to determine required grading and/or improvements to accommodate existing FEMA flood levels and overland flows. Utilize information from existing City Storm Drain Masterplan and FEMA Maps with input from Schaaf & Wheeler.

CITY OF Milpitas								
Library and Parking Structure								
ESTIMATED ADDITIONAL FEE FOR AMENDMENT NO. 2								
Task Description	PD	PM	PE	Hours		Subcons. Geotech	Subcons. Surveyor	FEE
				TECH	CLERICAL			
Hourly Rate (per Standard Hourly Rate Schedule)	\$ 190.00	\$ 180.00	\$ 105.00	\$ 100.00	\$ 70.00			
PART 1 Plan Lines								
1.0a Review Meetings With City (3 max)		6						\$ 1,080.00
1.0b Quality Assurance Review	2							\$ 380.00
1.1 Windsor Avenue								
1.1a Revise cul de sac geometrics			1	1				\$ 205.00
1.1b Prepare alternate plan showing interim landscape strip		2	3	6				\$ 1,275.00
1.2 Carlo Street								
1.2a Revise south side of Carlo Street		1	2	2				\$ 590.00
1.2b Revise north side of Carlo Street		1	2	2				\$ 590.00
1.2c Revise curb returns at North Main Street		1	2	2				\$ 590.00
1.3 Weller Lane								
1.3a Incorporate APTON Revisions			2	2				\$ 410.00
1.3b Incorporate Nolte Plan Line			2	2				\$ 410.00
Subtotal	2	11	14	17				\$ 5,530.00
Phase 1 Total								\$ 6,530.00
PART 2.0 North Main Street Utility Relocations								
2.1 Preliminary Design Sewer, Water, Storm								
2.11 Base Maps		2	10	20				\$ 3,410.00
2.12 50% Design	2	2	5	10				\$ 2,265.00
2.13 100% Design	2	4	8	10				\$ 2,940.00
2.14 Prepare Hydraulic Calculations For North Main								\$ -
2.15 Add Concrete Removal To Plans		1	3	6				\$ 1,095.00
2.16 Determine Utility Sizes		2	8					\$ 1,200.00
2.17 Coordinate With City 's Consultants		2	1					\$ 465.00
2.18 Add New Utility Services to West Side			1	3				\$ 405.00
2.19 Review Meetings With City (3 max)		12	4					\$ 2,580.00
2.20 Quality Assurance Review	2							\$ 380.00
2.2 Final Design								
2.21 50% Design	2	10	10	20				\$ 5,230.00
2.22 90% Design	2	10	5	10				\$ 3,705.00
2.23 100% Design	2	10	5	10				\$ 3,705.00
2.24 Specifications		1	4					\$ 600.00
2.25 Review Meetings With City (4 max)		8						\$ 1,440.00
2.26 Quality Assurance Review	2							\$ 380.00
2.27 Geotechnical Investigation						\$3,000.00		\$ 3,000.00
3.0 Drainage Study								
3.1 Confirm Existing Data		4						\$ 720.00
3.2 Prepare Drainage Area Map			2	8				\$ 1,010.00
3.3 Prepare Hydraulic Calculations		2	4					\$ 780.00
3.4 Prepare Site Grading and Impt Recommendations		4				2		\$ 860.00
3.5 Review with City & Revise		4				2		\$ 860.00
Subtotal	14	78	70	97	4			\$ 34,030.00
Subconsultant Markup (5%)								\$ 150.00
Subtotal								\$ 34,180.00
3.1 Construction Administration For Additional Work								
3.1a Clarifications during Bidding		4	4					\$ 1,140.00
3.1b Field Review During Construction		8						\$ 1,440.00
Subtotal	0	12	4	0	0			\$ 2,580.00
Total								\$ 42,290.00
Rounded								\$ 42,300.00
ASSUMPTIONS:								
1. City to provide electronic files of Nolte plan line for North Main Street and APTON Development.								
2. City to provide information to determine new sizes and locations for mains and new service laterals.								
3. City to provide reports on location of existing concrete slab.								
4. City to provide copy of previous storm drain studies.								